

19753. Adulteration of coffee sweeps. U. S. v. 3 Bags \* \* \*. (F. D. C. No. 33489. Sample No. 37853-L.)

**LIBEL FILED:** July 28, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** The product was imported from foreign countries. The shipper and date of shipment are unknown.

**PRODUCT:** 3 100-pound bags of coffee sweeps at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and rodent excreta; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 19, 1953. Default decree of condemnation and destruction.

## CANDY AND COCOA BEANS

### CANDY

19754. Adulteration and misbranding of candy. U. S. v. 90 Boxes, etc. (and 8 other seizure actions). (F. D. C. Nos. 32557, 32564, 32869, 32876, 32877, 32887, 32943, 32950, 32966, 32982. Sample Nos. 6129-L, 6130-L, 6672-L to 6677-L, incl., 7304-L, 25992-L, 26336-L to 26339-L, incl., 26398-L, 26529-L, 27339-L, 35981-L, 41865-L to 41867-L, incl., 41869-L, 48355-L to 48359-L, incl.)

**LIBELS FILED:** Between the approximate dates of February 28 and March 25, 1952, District of Delaware, District of New Jersey, Western District of New York, Northern District of Ohio, District of Minnesota, Southern District of Florida, District of Massachusetts, and Northern District of California.

**ALLEGED SHIPMENT:** Between the approximate dates of November 29, 1951, and February 29, 1952, by Luden's, Inc., from Reading, Pa.

**PRODUCT:** Candy. 110 boxes, each containing 120 pieces, and 6 25-pound cartons, at Wilmington, Del.; 150 boxes, each containing 24 bars, at Camden, N. J.; 656 boxes, each containing 24 bars, at Buffalo, N. Y.; 20 cartons, each containing 100 bars, and 1,456 cartons, each containing 24 bars, at Cleveland, Ohio; 98 cartons, each containing 120 bars, 131 cartons, each containing 100 bars, and 3,520 cartons, each containing 24 bars, at Minneapolis, Minn.; 60 boxes, each containing 48 candy eggs, at Dade City, Fla.; 3,832 cartons, each containing 24 bars, and 77 cartons, each containing 100 bars, at Boston, Mass.; and 281 cartons, each containing 100 bars, 286 cartons, each containing 120 bars, and 1,920 cartons, each containing 24 bars, at San Francisco, Calif.

**LABEL, IN PART:** "Luden's Chocolate Cherry [or "Maple," "Cocoanut," or "Pineapple"] Cream Egg Net Wt. 2 Ozs.," "Almond Royal Milk Chocolate," "5th Avenue with Almonds," "5th Avenue," "Luden's Chocolate Covered Melomint Pattie," "Luden's Marshmallow Rabbits [or "Chocolate Marshmallow Rabbits" or "Chocolate Marshmallow Eggs"]," "Assorted Jelly Rabbits," and "Black Babbies."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (60 boxes of candy eggs at Dade City, Fla.), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 2 Ozs." was inaccurate. (The article was short of the declared weight.)

DISPOSITION: Between March 19 and April 29, 1952. Default decrees of condemnation. The courts ordered that the New Jersey lot be delivered to a county institution, for use as hog feed, and that the other lots be destroyed.

19755. Adulteration of candy. U. S. v. 80 Boxes \* \* \*. (F. D. C. No. 33403. Sample No. 8615-L.)

LIBEL FILED: June 16, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about May 15, 1952, by the Liberty Chocolate Co., from Boston, Mass.

PRODUCT: 80 boxes of candy at Buffalo, N. Y.

LABEL, IN PART: "120 Count 1 Cent Each Pie Plates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 18, 1952. Default decree of condemnation and destruction.

#### COCOA BEANS

19756. Adulteration of cocoa beans. U. S. v. 198 Sacks \* \* \* (and 1 other seizure action). (F. D. C. Nos. 34087, 34112. Sample Nos. 41421-L, 41422-L.)

LIBELS FILED: October 28 and November 5, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 7, 1948, and May 19, 1949, from New York, N. Y.

PRODUCT: 198 200-pound sacks and 176 125-pound sacks of cocoa beans at Bethlehem, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects and insect-infested beans, and of a decomposed substance by reason of the presence of moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1952. Just Born, Inc., Bethlehem, Pa., claimant, having consented to the entry of a decree and the libel actions having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Federal Security Agency. 9 sacks of the product were found unfit and were destroyed.

19757. Adulteration of cocoa beans. U. S. v. 250 Bags \* \* \*. (F. D. C. No. 33521. Sample Nos. 37856-L, 37869-L.)

LIBEL FILED: August 13, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 9, 1952, from Venezuela.

PRODUCT: 250 bags, each containing 160 pounds, of cocoa beans at Brooklyn, N. Y.